

Comment Set 5**MBM**

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Valerie Van Way
100 Howe Avenue
Suite 100 South
Sacramento, CA 95825
April 4, 2006

RE: SCH No 98112080; CSLC EIR No 688

Contrary to the statement in the Executive Summary on page ES-8, there are "areas of controversy surrounding the proposed project and objections were raised at an earlier public scoping meeting.

From Pg ES 22: It is not clear why "issues related to land use associated with the Refinery and planned trail segments" are not within the jurisdiction of the CSLC. From the standpoint of those that have been working on the trail project, the land use impacts would certainly be significant.

From Pg ES 25 VR-1: The project site is not industrial in character. It is adjacent to a residential community along the shoreline of the San Francisco Bay. It would logically require operations on the wharf to be sensitive and respectful towards the neighbors.

From Pg ES 24 Section 4.7. N-1: A Class I impact has been acknowledged but largely ignored. I believe the "sensitive receptors" are no longer in place, and when they were, the readings were taken when it was windy and cold as opposed to when it was warm/hot and still. The noise is most offensive on hot still nights when one would like to have their windows open. It has been difficult to sleep on those occasions because of the noisy pumps and/or generators (approximately a dozen times a year).

The phone number available to make noise complaints is not widely distributed or known to the neighboring residents.

The adverse impact could be mitigated by an acknowledgement of the issue by providing a card to the shore side neighbors to be kept by their phones listing the phone number(s) and procedure for notifying responsible Chevron personnel who can and will deal with the occasional noisy offenders. Identifying and scheduling of "noisy" ships during the day and or early evening hours would help a lot to mitigate this Class I impact.

Sincerely,

Martin B. McNair

cc. Tom Butt
vanwayv@slc.ca.gov.

5-1

5-2

5-3

Response to Comment Set #5

5-1

Please refer to responses to Comments 3-1, first paragraph, and 3-15.

5-2

Section 4.5, Land Use and Recreation of the DEIR discusses the various mix of land uses in the Project area. Please refer also to Section 4.9, Visual Resources, which recognizes that the Point Richmond community has views of the Long Wharf.

5-3

Section 4.7, Noise, Impact N-1 requires that noise measurements be obtained when an offending ship is operating at the terminal and stipulates actions to be taken if such noise levels exceed the standards of the city of Richmond.

Comment Set 6



BAY ACCESS, INC.

dedicated to creating a water trail on San Francisco Bay

Wednesday, April 05, 2006

37 Terrace Ave.
Richmond, CA 94801
(510) 215-7847

Ms. Valerie Van Way
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

RE: 2006 Draft-EIR for the Chevron Richmond Long Wharf Marine Terminal
Lease

Dear Ms. Van Way:

Bay Access Inc. is a non-profit dedicated to the creation and implementation of the San Francisco Bay Area Water Trail. We would like to comment on the February 2006 Draft Environmental Impact Report for the Chevron Richmond Long Wharf Marine Terminal Lease Consideration. We are concerned that the DEIR does not recognize and mitigate the significant adverse recreational impacts created by both the physical structure of Long Wharf, the Long Wharf-associated tanker operations, and the Long Wharf associated operations on the adjacent upland. As explained below, the DEIR seems to make substantial errors in reaching the conclusion that there are no significant recreational and land use impacts which require mitigation.

The use of human and windpowered craft, particularly kayaking, San Francisco Bay have grown rapidly in popularity - so much so that Governor Schwarzenegger last year signed AB1296, creating the San Francisco Bay Area Water Trail. The Water Trail provides for a continuous recreational trail encircling the Bay. As you are no doubt aware, adverse impacts on existing recreation sites are generally considered to be significant impacts under the California

6-1

Environmental Quality Act. Further, in addition to the implied rights of the Water Trail Act, boaters have navigational rights that are enshrined in the State Constitution.

With regard to the renewal of the Long Wharf lease there are several significant impacts:

First, small boaters generally follow the shoreline and kayakers have traditionally gone under the Long Wharf to avoid the shipping channels directly adjacent to the end of the Long Wharf. Since 9/11, this option is not available to the public. Boaters are now forced to make a 1-1/2 mile detour out and around the Long Wharf structure;

Second, the public using self-powered craft are now put at risk by being forced out of the adjoining protected shoreline cove, into the rougher, more exposed waters of the Bay;

Third, boaters attempting to stay as close as possible to the shore are now forced directly into the deep water shipping channel adjacent to the Long Wharf and put in the presence of maneuvering tankers and other large marine vessels which are in docking operation at the Long Wharf.

Although the Long Wharf is an existing structure, it was never subjected to environmental review and now, with the renewal of the lease, the State Lands Commission and the EIR report must consider the possibility that the lease not be extended, in light of the impact on other public trust uses. While we do not suggest removal of the Long Wharf, we do think that renewal of the lease will have a significant impact on recreation, and therefore, all feasible mitigation measures must be considered. Therefore, the final EIR should recognize the significant adverse impacts of the lease renewal on the Water Trail and on recreational boaters, especially kayaks and other human powered and wind powered craft, which would result from renewing this lease.

Since there is no apparent pathway for boaters through the Long Wharf operations, Bay Access suggests a related mitigation for these significant recreational impacts: we recommend requiring Chevron to provide land for closing the gap in the planned San Francisco Bay Trail, the land trail which will eventually ring the Bay. Specifically, the completion of the link between Tewksbury Avenue and the south side of the Richmond/San Rafael Bridge toll plaza where a completed trail goes under the bridge to Western Drive and onto the Point San

6-1

6-2

Pablo Peninsula. This land trail connection is needed to link the Bay Trail both to the Richmond/San Rafael Bridge's eastern approach, as well as to Point Molate and the rest of the Point San Pablo Peninsula. The Bay Trail route between Tewksbury and the toll plaza was addressed in the July 31, 2001 Feasibility Study of Bay Trail Alternatives to Point San Pablo Peninsula, which was funded jointly by Chevron and the City of Richmond under an ABAG Bay Trail Project grant. It was agreed by consensus that options 2 & 5 of this study would meet Chevron's security concerns while providing a workable, although not optimal, Bay Trail connection with the Point San Pablo Peninsula.

It is instructive to note that, during the past five years, Senator Don Perata, Assemblywoman Dion Aroner, Contra Costa Supervisor John Gioia, former Richmond Mayor Rosemary Corbin, the East Bay Regional Park District, the Association of Bay Area Governments, Trails for Richmond Action Committee, East Bay Bicycle Coalition and numerous other environmental and public interest groups have written State Lands expressing concerns that Chevron's Long Wharf operations, which occur as a continuous process along the wharf which sits on the leased sub-tidal property and on the adjacent upland, directly impedes boating along the shoreline and also prevents safe non-vehicular access to the Bay and shoreline in the vicinity of the Long Wharf. These organizations have all suggested that, as mitigation for the public dislocation, and disenfranchisement from public tideland, the State Lands Commission should require Chevron to provide Bay Trail access for pedestrians and bicycles across Chevron property such that the public can at least reclaim their historic access to the peninsula, to City land in and around Point Molate, and to the adjacent shoreline.

6-2

IMPACT AND NEXUS

The rationale for this proposed mitigation is twofold: First, as a result of Chevron's operations, the public is explicitly excluded from the water over the leased property. This is a significant recreational impact. Second, Chevron's lease of sub-tidal land is inexorably tied to, directly enables, and is absolutely essential for Chevron's Long Wharf operations, as is the adjacent upland which is an integrated and inseparable part of the Long Wharf operation. Therefore, mitigation involving the adjacent upland is appropriate. These two aspects are described below.

SUBSTANTIAL RECREATIONAL IMPACT

As a result of Chevron's operations, the public is explicitly excluded from the water over the leased property. The 4200-foot long causeway and 3440 foot long pier that traverses the leased land is posted "No Trespassing". Therefore, all water craft, particularly sailboats and self-powered craft such as kayaks and canoes, which travel north and south along the coast, are forced to divert over a mile away from the protected cove into the rougher water of the Bay. This puts boaters into a major Bay shipping channel and in the path of maneuvering tankers preparing to dock or leave from the Long Wharf. Since Chevron's ships embark and disembark from the Bayside of the Wharf, privately operated water craft are forced to maneuver around the large tankers and attendant tugboats during their docking operations. This creates an inconvenient and dangerous situation for the public.

6-3

NEXUS

Chevron's use of the leased property is completely integrated with Chevron's operations on their adjacent upland property. The wharf itself would not be functional without the utilization of the adjacent upland property and the adjacent upland property is only used to support Long Wharf operations. Chevron annexed a portion of Western Drive in order to automate Long Wharf operation. This annexation isolated the Point San Pablo peninsula from non-vehicular access. Presently, the public is denied all access across this part of Chevron property south of I580. Consequently, there is no longer safe hiking access, and no safe and enjoyable bicycling access, to the Point San Pablo Peninsula.

In short, the lease of public sub-tidal land to Chevron enables Chevron to ship and receive petroleum materials by way of its Long Wharf operations. These operations directly involve both the leased sub-tidal land and the adjacent upland in an integrated fashion. Chevron excludes all public traverse – onshore and offshore - of the land that is used for Long Wharf operations. This establishes the nexus between the leased land and the adjacent upland.

6-4

In conclusion, Long Wharf operations create a substantial impact on public recreation on San Francisco Bay and there is sufficient nexus between the leased tideland and the adjacent upland to permit consideration of public access across the upland as mitigation for the exclusion of the public from the leased land.

Thank you very much for considering comments. Please contact me (510) 215-7847 if you would like clarification.

Sincerely,

David Dolberg
Bay Access
Board of Directors

cc: Bruce Beyaert - TRAC
Lee Huo - ABAG
Brad Olson – EBRPD
Laura Thomson – ABAG
Joe LaClair - BCDC

Response to Comment Set #6

6-1

Please refer to responses to Comments 4-1 and 4-2.

6-2

Please refer to responses to Comments 3-1, first paragraph, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9 and 3-15.

6-3

Please refer to responses to Comments 4-1 and 4-2.

6-4

Please refer to responses 3-1, first paragraph, and 3-15.